

REMARKS

The Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 2, 4, 6, 11-13, 17 and 18 are requested to be canceled.

Claims 3, 5, 7, 9, 10, 14, 15, 16 are currently being amended.

Claims 19, 20 are being added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 3, 5, 7-10, 14-16, 19 and 20 (11 claims) are now pending in this application.

Specification

On page 2 of the office action, the disclosure was objected to because of several informalities in the abstract. In response, the Applicants have revised the abstract to conform with the current U.S. Patent Office practice.

Claim Rejection 35 U.S.C. § 112

On pages 2 and 3 of the office action, the Examiner has rejected 1-18 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. The Examiner states that use of the phrases “in such a manner”, “in particular”, “conventional”, and “if appropriate” renders the claim indefinite.

The Applicants have canceled several of the claims having the objected to phrases as will be explained below. Further, the Applicants have amended claim 9 to remove the phrase “in particular”. With respect to claims 3 and 5 which include the phrase “in such a manner”, the Applicants have not amended the claims and submit that the phrase “in such a manner” and the limitations following such phrase in each of claims 3 and 5 clearly specify that the limitation is a part of the claim and particularly points out and distinctly claims the subject matter that the Applicants regard as their invention. The Applicants submit that the claims, as amended, are definite and in compliance with 35 U.S.C. § 112, section 2. The Applicants respectfully request withdrawal of the rejection of claims 1-18 under 35 U.S.C. § 112, second paragraph.

On page 3, the Examiner has rejected claims 13-14 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Claim 13 has been canceled and claim 14 has been amended to depend from new independent claim 20 which will be discussed below. Claim 14, as amended, is definite and in compliance with 35 U.S.C. § 112, second paragraph with appropriate antecedent basis provided in new independent claim 20. The Applicants request withdrawal of the rejection of claim 14 under 35 U.S.C. § 112, second paragraph.

The Applicants note that the claim amendments described above are intended to clarify the language used in the amended claims and are in no way intended to have limiting or to obtain patentability of such claims. Accordingly, it is believed by the Applicants that the amendments made to the claims in no way impair the ability of the Applicants to obtain the full scope of such claims as may be available under the Doctrine of Equivalents.

Claim Rejections 35 U.S.C. § 102

On pages 3-5 of the office action, the Examiner has rejected various claim combinations under 35 U.S.C. § 102(b) as being anticipated by several different patents. In response, the Applicants have written new independent claim 19 which includes the limitations of claims 1, 2, 4, 11, and 12. The Applicants have also added new independent claim 20 which includes the limitations of claims 1, 2, 4, 6, 11, 12 and 13. Further, claims 1, 2, 4, 6, 11, 12, and 13 have been canceled. In addition, claims 17 and 18 have also been canceled.

On page 3, of the Office Action, the Examiner has rejected claims 1-6 and 15-18 under 35 U.S.C. § 102(b) as being anticipated by Hess (USPN: 3,897,101). The Examiner states that “Hess teaches the structures claimed.”

Claim 19 is in independent form and recites “a first engagement part (20) and a separate second engagement part (22), with the second engagement part (22) locked with a shear pin” and “the secure mechanism (10) is configured to engage the securing rail (8) . . . by at least two different engagement regions of the securing rail (8) by the first engagement part (20) and the second engagement part (22) in a sequence such that the second engagement part (22) engages the security rail (8) independently and before the first engagement part (20) engages the securing rail (8).”

Claim 20 is in independent form and recites a “safety device for a vehicle seat comprising a security mechanism (10) including a first engagement part (20) and a separate second engagement part (22), with the second engagement part (22) locked with a shear pin. . . and a securing rail (8) . . . wherein the security mechanism (10) is configured to engage the securing rail (8) behind the longitudinal offset retaining limbs (16) of the securing rail (8) . . . and wherein reaction forces in the direction of axis (X Y Z) of the vehicle seat . . . are absorbed by at least two different engagement regions of the securing rail (8) by the first engagement part (20) and the second engagement part (22).”

Hess does not disclose that a first engagement part moves independent of a second engagement part and before the latter in time as recited in independent claims 19 and 20. Furthermore, the vehicle seat disclosed in Hess does not disclose a safety device with supporting section, retaining limbs or shear pin as recited in independent claims 19 and 20. Accordingly, independent claim 19 and dependent claims 3, 5, 7-10, 15 and 16 which depend either directly or indirectly from independent claim 19, and independent claim 20, and dependent claim 14 which depend from claim 20 are patentable over Hess.

On page 4 of the Office Action, the Examiner has rejected claims 1-6 and 15-18 under 35 U.S.C. § 102(b) as being anticipated by Koucky, et al (USPN: 4,248,480). The Examiner states that “Koucky et al teaches the structure as claimed.”

Claim 19 is in independent form and recites “a first engagement part (20) and a separate second engagement part (22), with the second engagement part (22) locked with a shear pin” and “the secure mechanism (10) is configured to engage the securing rail (8) . . . by at least two different engagement regions of the securing rail (8) by the first engagement part (20) and the second engagement part (22) in a sequence such that the second engagement part (22) engages the security rail (8) independently and before the first engagement part (20) engages the securing rail (8).”

Claim 20 is in independent form and recites a “safety device for a vehicle seat comprising a security mechanism (10) including a first engagement part (20) and a separate second engagement part (22), with the second engagement part (22) locked with a shear pin. . . and a securing rail (8) . . . wherein the security mechanism (10) is configured to engage the securing rail (8) behind the longitudinal offset retaining limbs (16) of the securing rail (8) . . . and wherein reaction forces in the direction of axis (X Y Z) of the vehicle seat . . . are absorbed by at least two different engagement regions of the securing rail (8) by the first engagement part (20) and the second engagement part (22).”

Koucky does not disclose that a first engagement part moves independent of a second engagement part and before the latter in time as recited in independent claims 19 and 20. Furthermore, the vehicle seat disclosed in Koucky does not disclose a safety device with supporting section, retaining limbs or shear pin as recited in independent claims 19 and 20. Accordingly, independent claim 19 and dependent claims 3, 5, 7-10, 15 and 16 which depend either directly or indirectly from independent claim 19, and independent claim 20, and dependent claim 14 which depend from claim 20 are patentable over Koucky.

On page 4 of the Office Action, the Examiner has rejected claims 1-6, 11-12, and 15-18 under 35 U.S.C. § 102(b) as being anticipated by Kokugawa '555 (USPN: 4,676,555). The Examiner states that Kokugawa '555 “teaches the structure as claimed including the shear pin (41).”

Claim 19 is in independent form and recites “a first engagement part (20) and a separate second engagement part (22), with the second engagement part (22) locked with a shear pin” and “the secure mechanism (10) is configured to engage the securing rail (8) . . . by at least two different engagement regions of the securing rail (8) by the first engagement part (20) and the second engagement part (22) in a sequence such that the second engagement part (22) engages the security rail (8) independently and before the first engagement part (20) engages the securing rail (8).”

Claim 20 is in independent form and recites a “safety device for a vehicle seat comprising a security mechanism (10) including a first engagement part (20) and a separate second engagement part (22), with the second engagement part (22) locked with a shear pin. . . and a securing rail (8) . . . wherein the security mechanism (10) is configured to engage the securing rail (8) behind the longitudinal offset retaining limbs (16) of the securing rail (8) . . . and wherein reaction forces in the direction of axis (X Y Z) of the vehicle seat . . . are absorbed by at least two different engagement regions of the securing rail (8) by the first engagement part (20) and the second engagement part (22).”

Kokugawa '555 does not disclose that a first engagement part moves independent of a second engagement part and before the latter in time as recited in independent claims 19 and 20. Furthermore, the vehicle seat disclosed in Kokugawa '555 does not disclose a safety device with supporting section or retaining limbs as recited in independent claims 19 and 20. Accordingly, independent claim 19 and dependent claims 3, 5, 7-10, 15 and 16 which depend either directly or indirectly from independent claim 19, and independent claim 20, and dependent claim 14 which depend from claim 20 are patentable over Kokugawa '555.

On page 4 of the Office Action, the Examiner has rejected claims 1-6, 11-12, and 15-18 under 35 U.S.C. § 102(b) as being anticipated by Kokugawa '602 (USPN: 4,729,602). The Examiner states that Kokugawa '602 “teaches the structure as claimed including a shear pin (39).”

Claim 19 is in independent form and recites “a first engagement part (20) and a separate second engagement part (22), with the second engagement part (22) locked with a shear pin” and “the secure mechanism (10) is configured to engage the securing rail (8) . . . by at least two different engagement regions of the securing rail (8) by the first engagement part (20) and the second engagement part (22) in a sequence such that the second engagement part (22) engages the security rail (8) independently and before the first engagement part (20) engages the securing rail (8).”

Claim 20 is in independent form and recites a “safety device for a vehicle seat comprising a security mechanism (10) including a first engagement part (20) and a separate second engagement part (22), with the second engagement part (22) locked with a shear pin. . . and a securing rail (8) . . . wherein the security mechanism (10) is configured to engage the securing rail (8) behind the longitudinal offset retaining limbs (16) of the securing rail (8) . . . and wherein reaction forces in the direction of axis (X Y Z) of the vehicle seat . . . are absorbed by at least two different engagement regions of the securing rail (8) by the first engagement part (20) and the second engagement part (22).”

Kokugawa '602 does not disclose that a first engagement part moves independent of a second engagement part and before the latter in time as recited in independent claims 19 and 20. Furthermore, the vehicle seat disclosed in Kokugawa '602 does not disclose a safety device with supporting section or retaining limbs as recited in independent claims 19 and 20. Accordingly, independent claim 19 and dependent claims 3, 5, 7-10, 15 and 16 which depend either directly or indirectly from independent claim 19, and independent claim 20, and dependent claim 14 which depend from claim 20 are patentable over Kokugawa '602.

On page 4 of the Office Action, the Examiner has rejected claims 1-11 and 13-18 under 35 U.S.C. § 102(b) as being anticipated by Noshino (USPN: 4,804,229). The Examiner states that “Noshino teaches the structure as claimed.”

Claim 19 is in independent form and recites “a first engagement part (20) and a separate second engagement part (22), with the second engagement part (22) locked with a shear pin” and “the secure mechanism (10) is configured to engage the securing rail (8) . . . by at least two different engagement regions of the securing rail (8) by the first engagement part (20) and the second engagement part (22) in a sequence such that the second engagement part (22) engages the security rail (8) independently and before the first engagement part (20) engages the securing rail (8).”

Claim 20 is in independent form and recites a “safety device for a vehicle seat comprising a security mechanism (10) including a first engagement part (20) and a separate second engagement part (22), with the second engagement part (22) locked with a shear pin. . . and a securing rail (8) . . . wherein the security mechanism (10) is configured to engage the securing rail (8) behind the longitudinal offset retaining limbs (16) of the securing rail (8) . . . and wherein reaction forces in the direction of axis (X Y Z) of the vehicle seat . . . are absorbed by at least two different engagement regions of the securing rail (8) by the first engagement part (20) and the second engagement part (22).”

Noshino does not disclose that a first engagement part moves independent of a second engagement part and before the latter in time as recited in independent claims 19 and 20. Furthermore, the vehicle seat disclosed in Noshino does not disclose a safety device with supporting section, retaining limbs or shear pin as recited in independent claims 19 and 20. Accordingly, independent claim 19 and dependent claims 3, 5, 7-10, 15 and 16 which depend either directly or indirectly from independent claim 19, and independent claim 20, and dependent claim 14 which depend from claim 20 are patentable over Noshino.

On pages 4 and 5 of the Office Action, the Examiner has rejected claims 1-11 and 13-18 under 35 U.S.C. § 102(b) as being anticipated by Hayakawa et al (USPN: 5,106,144). The Examiner states that “Hayakawa et al teaches the structure as claimed.”

Claim 19 is in independent form and recites “a first engagement part (20) and a separate second engagement part (22), with the second engagement part (22) locked with a shear pin” and “the secure mechanism (10) is configured to engage the securing rail (8) . . . by at least two different engagement regions of the securing rail (8) by the first engagement part (20) and the second engagement part (22) in a sequence such that the second engagement part (22) engages the security rail (8) independently and before the first engagement part (20) engages the securing rail (8).”

Claim 20 is in independent form and recites a “safety device for a vehicle seat comprising a security mechanism (10) including a first engagement part (20) and a separate second engagement part (22), with the second engagement part (22) locked with a shear pin. . . and a securing rail (8) . . . wherein the security mechanism (10) is configured to engage the securing rail (8) behind the longitudinal offset retaining limbs (16) of the securing rail (8) . . . and wherein reaction forces in the direction of axis (X Y Z) of the vehicle seat . . . are absorbed by at least two different engagement regions of the securing rail (8) by the first engagement part (20) and the second engagement part (22).”

Hayakawa does not disclose that a first engagement part moves independent of a second engagement part and before the latter in time as recited in independent claims 19 and 20. Furthermore, the vehicle seat disclosed in Hayakawa does not disclose a safety device with supporting section, retaining limbs or shear pin as recited in independent claims 19 and 20. Accordingly, independent claim 19 and dependent claims 3, 5, 7-10, 15 and 16 which depend either directly or indirectly from independent claim 19, and independent claim 20, and dependent claim 14 which depend from claim 20 are patentable over Hayakawa.

On page 5, of the Office Action, the Examiner has rejected claims 1-11 and 13-18 under 35 U.S.C. § 102(b) as being anticipated by Bowers (USPN: 6,247,752 B1). The Examiner states that “Bowers teaches the structure as claimed.”

Claim 19 is in independent form and recites “a first engagement part (20) and a separate second engagement part (22), with the second engagement part (22) locked with a shear pin” and “the secure mechanism (10) is configured to engage the securing rail (8) . . . by at least two different engagement regions of the securing rail (8) by the first engagement part (20) and the second engagement part (22) in a sequence such that the second engagement part (22) engages the security rail (8) independently and before the first engagement part (20) engages the securing rail (8).”

Claim 20 is in independent form and recites a “safety device for a vehicle seat comprising a security mechanism (10) including a first engagement part (20) and a separate second engagement part (22), with the second engagement part (22) locked with a shear pin. . . and a securing rail (8) . . . wherein the security mechanism (10) is configured to engage the securing rail (8) behind the longitudinal offset retaining limbs (16) of the securing rail (8) . . . and wherein reaction forces in the direction of axis (X Y Z) of the vehicle seat . . . are absorbed by at least two different engagement regions of the securing rail (8) by the first engagement part (20) and the second engagement part (22).”

Bowers does not disclose that a first engagement part moves independent of a second engagement part and before the latter in time as recited in independent claims 19 and 20. Furthermore, the vehicle seat disclosed in Bowers does not disclose a safety device with supporting section, retaining limbs or shear pin as recited in independent claims 19 and 20. Accordingly, independent claim 19 and dependent claims 3, 5, 7-10, 15 and 16 which depend either directly or indirectly from independent claim 19, and independent claim 20, and dependent claim 14 which depend from claim 20 are patentable over Bowers.

The Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

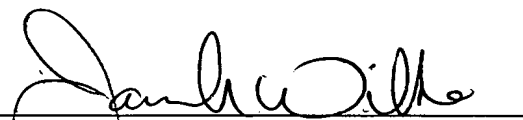
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447.

If any extensions of time are needed for timely acceptance of papers submitted herewith, the Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date 10-24-06

By



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